

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298

**FILED**

03/16/22

09:17 AM

R1902012

March 16, 2022

**Agenda ID #20453**  
**Quasi-legislative**

TO PARTIES OF RECORD IN RULEMAKING 19-02-012:

This is the proposed decision of Administrative Law Judge (ALJ) Debbie Chiv and ALJ Robert Mason. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's April 21, 2022 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure. Electronic copies of comments should also be sent to the Intervenor Compensation Program at [icompcoordinator@cpuc.ca.gov](mailto:icompcoordinator@cpuc.ca.gov).

/s/ ANNE E. SIMON

Anne E. Simon

Chief Administrative Law Judge

AES:nd3

Attachment

Decision **PROPOSED DECISION OF ALJs CHIV and ALJ MASON (Mailed 3/16/2022)****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Implement  
Senate Bill 1376 Requiring Transportation  
Network Companies to Provide Access for  
Persons with Disabilities, Including  
Wheelchair Users who need a Wheelchair  
Accessible Vehicle.

Rulemaking 19-02-012

**DECISION GRANTING COMPENSATION TO  
DISABILITY RIGHTS CALIFORNIA  
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 20-03-007**

<b>Intervenor:</b> Disability Rights California	<b>For contribution to Decision (D.) 20-03-007</b>
<b>Claimed:</b> \$46,265.30	<b>Awarded:</b> \$28,667.30
<b>Assigned Commissioner:</b> Genevieve Shiroma	<b>Assigned ALJs:</b> Debbie Chiv and Robert Mason

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	D.20-03-007 addresses Track 2 issues, and adopts rules and requirements for initial implementation of SB 1376, the TNC Access for All Act. The Decision addresses the following issues: (1) Establishment of investment offset process (§ 5440.5(a)(1)(B)(ii) allows for offsets against quarterly Access Fund payments for amounts spent by the TNC during that quarter to improve WAV service); (2) Establishment of exemption process (§ 5440.5(a)(1)(G) allows a TNC to be exempt from remitting Access Fund fees in a geographic area if a TNC meets a designated level of WAV service); (3) Establishment of Access Fund disbursement process (§ 5440.5(a)(1)(E) provides for access providers to apply for Access Fund funding); and (4) Facilitation of
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	WAV ownership (§ 5440.5(a)(1)(H) provides that a TNC may meet the requirements of § 5440.5(a)(1)(B)(ii) and (a)(1)(G) by providing WAV service with vehicles it owns or by contract with a transportation provider).
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812<sup>1</sup>:**

	<b>Intervenor</b>	<b>CPUC Verification</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	5/2/2019	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	5/24/2019	Verified
4. Was the NOI timely filed?		Yes
<b>Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.19-02-012	Verified
6. Date of ALJ ruling:	7/5/2019	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(h) or § 1803.1(b)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.19-02-012	Verified
10. Date of ALJ ruling:	7/5/2019	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.20-03-007	Verified
14. Date of issuance of Final Order or Decision:	3/19/2020	Verified

<sup>1</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

	<b>Intervenor</b>	<b>CPUC Verification</b>
15. File date of compensation request:	5/18/2020	Verified
16. Was the request for compensation timely?		Yes

**C. Additional Comments on Part I:**

<b>#</b>	<b>Intervenor's Comment(s)</b>	<b>CPUC Discussion</b>
1.	<p>SB 1376, which this rulemaking seeks to implement, provides that the Commission shall authorize funds to be distributed to accessibility advocates who provide a substantial contribution to the proceeding. Public Utilities Code § 5440.5(a)(1)(K). (Participation in proceedings before the Commission involving transportation do not usually provide an opportunity for intervenor compensation. <i>See</i> D.14-05-030, issued May 16, 2014 in R.12-12-011.)</p> <p>Consistent with rulemakings in areas regularly covered by the Commission's intervenor compensation program, the OIR in this proceeding instructed eligible parties to file a Notice of Intent to Seek Intervenor Compensation following the Commission's standard rules; it also noted that the filing does not guarantee compensation because the Commission has not yet implemented SB 1376's provisions. OIR at p. 19. DRC timely filed our NOI as indicated above. Subsequently, the Scoping Memo for this proceeding was issued, and it states that the Commission will address issues of intervenor compensation in Track 3. Assigned Commissioner's Scoping Memo and Ruling, issued May 7, 2019, at pp. 9-10.</p> <p>Nevertheless, because the statute authorizing compensation for this proceeding states that compensation will be provided "in a manner consistent with" the standards of the intervenor compensation statutes, DRC is now submitting this request consistent with the standard process for seeking compensation, which authorizes an intervenor to file a request within 60 days after the issuance of a decision to which the intervenor has made a substantial contribution.</p>	Noted

**PART II: SUBSTANTIAL CONTRIBUTION****A. Did the Intervenor substantially contribute to the final decision  
(see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):**

<b>Intervenor's Claimed Contribution(s)</b>	<b>Specific References to Intervenor's Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<p><b>1. Establishment of investment offset process</b></p> <p><u>a. Presence and Availability of WAV Drivers</u> Throughout the proceeding, the Disability Advocates have proposed that, in order to obtain an offset, a TNC must affirmatively establish that drivers with WAVs are actually present and available to provide rides to people with disabilities at all times that drivers with standard vehicles are available, which requires the provision of driver availability data by the TNCs. DA 9/27/19 Track 2 Proposal at 2-7. The Disability Advocates urged the Commission to adopt clear benchmarks, such as those proposed by CPED staff, that are based on the response times for standard vehicle rides. <i>Id.</i>, DA 10/21/19 Comments, pp. 1-5; DA 10/28/19 Comments, pp. 6-8. [Note: The Disability Advocates commented on each of the issues addressed in Track 2 in nearly all of their Track 2 filings; citations in this column are not exhaustive.]</p> <p><u>b. Improved Level of Service</u> See response to 1(a), above, explaining that, throughout the proceeding, the Disability Advocates have proposed that the Commission adopt clear benchmarks that are based on response times for standard trips. This included the decile-based approach proposed by</p>	<p><u>a. Presence and Availability of WAV Drivers</u> The Track 2 Decision acknowledges that the Disability Advocates supported CPED's proposal. Track 2 Decision at p. 6. The Track 2 Decision notes that the Disability Advocates opposed excluding information such as passenger no-show data that Uber and Lyft proposed excluding, and the Decision agrees with the Disability Advocates' proposal regarding passenger no-show and cancellations. <i>Id.</i> at pp. 6-7. The Track 2 Decision also agrees with Disability Advocates that hourly data should be reported. <i>Id.</i> at p. 7.</p> <p><u>b. Improved Level of Service</u> The Track 2 Decision recognized the Disability Advocates' support for CPED's proposal to use existing trip demand and response times for standard TNC trips to extrapolate a WAV response time for each geographic area on the grounds that WAV response times must be evaluated with respect to standard</p>	<p>Noted, but see Section III.D.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
CPED. DA 10/21/19 Comments, pp. 1-5 (supporting the CPED proposal).	<p>vehicle response times. Track 2 Decision at p. 11. The Decision adopts a “clear, data-supported methodology that uses standard trip response times as the basis for calculating WAV response times.” <i>Id.</i> at p. 17. While the <i>Proposed Decision</i> proposed adopting the CPED proposal supported by the Disability Advocates more wholly (thus reflecting the Disability Advocates’ substantial contribution to an even greater extent), the Track 2 Decision reflects the Disability Advocates’ consistent proposal that clear benchmarks based on standard trip response times are critical.</p> <p>The Decision also recognizes that the Disability Advocates had responded to Uber’s objections to CPED’s model by noting that the model built in a lower standard for WAV trips. <i>Id.</i> at p. 11. The Decision adopted this response. <i>Id.</i> at p. 17 (“We reject the argument that CPED’s methodology assumes demand for WAV services will be the same as for non-WAV services, since CPED expressly includes a lower standard for WAV vehicles.”) The Decision also quotes from the Disability Advocates’ objections to Uber’s and to Lyft’s own proposals. <i>Id.</i> at p. 12, 14-15. The Decision also notes the Disability Advocates’ proposal regarding measurement of response times. <i>Id.</i> at p. 15. The Decision agrees with the Disability Advocates’ position that it should not adopt TNC-specific response times. <i>Id.</i> at pp. 15-16. The Disability Advocates’ input in the process is reflected in the Commission’s decision “to defer</p>	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>c. <u>Efforts to Promote Available WAV Service</u> The Disability Advocates proposed that the Commission adopt CPUC's proposal regarding outreach. DA 10/21/19 Comments at p. 13.</p> <p>d. <u>Accounting of Funds Expended</u> The Disability Advocates proposed that a full accounting of funds, as required by the statute, must include sufficient detail and documentation to allow the Commission to determine what funds were expended and whether they went directly to the provision of WAV services. DA Track 2 Proposal at pp. 10-11. The Disability Advocates proposed that offsets should only be available for incremental costs above and beyond the costs of standard rides. DA Track 2 Proposal at p. 10; DA 10/21/19 Comments at pp. 14-15. The Disability Advocates objected to Lyft's argument that all expenses incurred by TNCs in providing WAV service</p>	<p>adoption of WAV response times on a longer-term basis for offsets, until actual WAV response times can be considered" rather than adopting Uber's proposed WAV response times on a longer-term basis. <i>Id.</i> at p. 17. The Decision adopts the proposal to provide data on completed trips in deciles. <i>Id.</i> at p. 20. The Decision states that the definition of "response time" was modified from the proposed decision in response to feedback from the Disability Advocates and others. <i>Id.</i> at p. 74.</p> <p>c. <u>Efforts to Promote Available WAV Service</u> The Track 2 Decision adopted the proposal supported by the Disability Advocates. Track 2 Decision at p. 21.</p> <p>d. <u>Accounting of Funds Expended</u> The Track 2 Decision acknowledges the Disability Advocates' proposals. Track 2 Decision at pp. 21-22. In particular, the Decision acknowledges the Disability Advocates' proposal that offsets should only be available for incremental costs, and cites the Disability Advocates' examples of such costs. <i>Id.</i> at p. 23. As a result, the Decision provides that "Parties may propose a viable method for calculating incremental costs in Track 3, which the Commission will consider." <i>Id.</i> at p. 24. The Decision rejects a number of proposed TNC expenses objected to by the Disability Advocates. <i>Id.</i> The Decision states that supporting materials such as invoices must be retained and made</p>	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>should be reimbursed. DA 11/6/19 Reply Comments to Lyft at pp. 9-10.</p> <p><u>e. Additional Requirements</u> The Disability Advocates proposed that driver training and vehicle inspections be additional requirements. DA Track 2 Proposal at pp. 14-15, 24-25. The Disability Advocates proposed that requests be presented through the Advice Letter Process. DA Track 2 Proposal at pp. 8-9; DA 10/21/19 Comments, pp. 6-8.</p> <p><u>f. Retroactive Application of Offsets</u> The Disability Advocates supported retractive application of offsets in conjunction with the first application for offsets. DA Track 2 Proposal at p. 14.</p> <p><u>g. Access Fund Stability</u> The Disability Advocates proposed that CPED staff provide an estimate of</p>	<p>available upon request and that a TNC should set up a tracking account for review by Commission staff, reflecting the Disability Advocates' input regarding the importance of accountability. <i>Id.</i> at p. 25.</p> <p><u>e. Additional Requirements</u> The Track 2 Decision adopts driver training and vehicle inspections as additional requirements. Track 2 Decision at pp. 26-27. It also requires TNCs to provide complaints by category and recognizes the Disability Advocates' support of that proposal. <i>Id.</i> at p. 28. DA Opening Comments at 8. The Decision acknowledges the Disability Advocates' proposals regarding quarterly reporting on pp. 29-30. The Decision acknowledges the Disability Advocates' proposal regarding using the Advice Letter process to submit offset requests, and provides for an Advice Letter process. <i>Id.</i> at pp. 34, 38. The Decision states that the reporting for the Quarterly Reports and Offset Requests was clarified, and CPED was authorized to publish a template of the required information, as a result of requests from the Disability Advocates and SF. <i>Id.</i> at p. 76.</p> <p><u>f. Retroactive Application of Offsets</u> The Track 2 Decision provides for retroactive offsets, and recognizes the Disability Advocates' support for them. Track 2 Decision at p. 40.</p> <p><u>g. Access Fund Stability</u> The Track 2 Decision provides that CPED shall provide an estimate of the</p>	



Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>funds available. DA Track 2 Proposal at pp. 7-8.</p> <p><u>h. Confidentiality</u> The Disability Advocates proposed that data be publicly available given the public interest in the proper expenditure of funds collected for a public purpose. DA Proposal at pp. 16, 18, 20. DA 10/21/19 Comments at pp. 8-9; DA 10/28/19 Comments at pp. 4-6.</p>	<p>available Access Fund balance, and recognizes that the Disability Advocates had proposed this step. Track 2 Decision at p. 42.</p> <p><u>h. Confidentiality</u> The Track 2 Decision acknowledges the Disability Advocates' input that because an Offset Request seeks to retain funds collected for a public purpose, information in an Offset Request or Quarterly Report must be publicly disclosed. Track 2 Decision at p. 43.</p>	
<p><b>2. Establishment of exemption process</b> As with the offset process, the Disability Advocates proposed that the Commission establish clear benchmarks that are based on the response times for standard rides. DA Track 2 Proposal at pp. 15-16; DA 10/21/19 Comments at pp. 5-6. The Disability Advocates proposed that a TNC shall meet the designated level of service for one year. DA 10/21/19 Comments at p. 5. The Disability Advocates proposed that the TNCs submit the same information as required for offset requests. DA Track 2 Proposal at pp. 6, 18. The Disability Advocates proposed that TNCs that receive an exemption should submit quarterly reports during the exemption year, and also that if a TNC fails to satisfy the exemption criteria during the exemption year, it should explain what happened. DA Track 2 Proposal at 18; DA Reply Comments to Lyft at 11.</p>	<p>As with the offset process, the Track 2 Decision adopts "clear, appropriate benchmarks that account for standard TNC trip response times" and that "an exemption qualification should have a sufficiently high standard" Track 2 Decision at pp. 45, 46. This is consistent with the Disability Advocates' recommendations. The Decision makes explicit that Disability Advocates' input is also reflected in the Decision's provision that "the Commission will monitor TNC's WAV response time data and should it be apparent that the WAV response times or Exemption Time Standard for exemption eligibility are not sufficiently high, we may modify these requirements." <i>Id.</i> at pp. 46, 78. The Decision also provides that a TNC shall meet the designated level of service for one year, and specifically cites the Disability Advocates' argument (in response to Lyft) that "SB 1376 does not preclude qualifying for an exemption in any four consecutive quarters, and does</p>	<p>Noted, but see Section III.D.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>not require waiting until July 2021.” <i>Id.</i> at p. 47.</p> <p>The Decision requires TNCs seeking exemptions to submit the same information as required in an offset request for four consecutive quarters. <i>Id.</i> at p. 48. The Decision requires TNCs to submit offset requests annually, and acknowledges that the Disability Advocates proposed annual submission. <i>Id.</i> at pp. 48-49. The Decision requires TNCs that receive an exemption to submit quarterly reports during the exemption year, and also provides that if a TNC fails to satisfy the exemption criteria during the exemption year, it shall explain what happened, and notes that the Disability Advocates recommended those provisions. <i>Id.</i> at pp. 49-50.</p>	
<p><b>3. Establishment of Access Fund disbursement process</b></p> <p>The Disability Advocates made a number of recommendations to ensure that Access Funds were disbursed consistent with the purpose of providing access to people with disabilities. DA Track 2 Proposal at pp. 19-24; DA 10/21/19 Comments at pp. 15-17; DA 10/28/19 Comments at pp. 10-11. These included proposals that the Commission administer the funds through local planning agencies or other entities and that the Commission retain an independent entity to assist with allocation of funds and other tasks.</p>	<p>The Decision acknowledges that “the Commission does not have sufficient resources to effectively and efficiently administer the disbursement of Access Fund payments.” Track 2 Decision at p. 53. The Decision provides that a transit planning agency or other government entity may serve as an Access Fund Administrator, and cites several times to the Disability Advocates’ position in that regard. <i>Id.</i> at pp. 54-58. The Decision “concludes that MPOs, RTPAs, or transportation commissions are best equipped and positioned to administer the Access Fund.” <i>Id.</i> at p. 59.</p> <p>The Decision provides that “an independent entity with expertise in accessible transportation should be</p>	<p>Noted, but see Section III.D.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>retained to assist with completing the 2024 Report,” and that “[i]t is also appropriate to retain an independent entity to monitor and audit the collection and expenditure of Access Fund moneys to verify compliance with the Commission’s requirements.” Track 2 Decision at p. 63. The Decision, acknowledges the Disability Advocates’ support of these provisions. The Decision adopts the Disability Advocates’ proposal regarding using Access Funds to pay for these costs, and specifically acknowledges the Disability Advocates proposed this. <i>Id.</i> at pp. 63-64.</p> <p>The Decision acknowledges that it adopted the Disability Advocates’ proposal that “an access provider should submit financial information, such as the information provided in the Caltrans Grant Application for FTA Expanded 5310 Projects.” <i>Id.</i> at p. 71.</p> <p>The Decision explicitly agrees with the Disability Advocates “that SB 1376 does not preclude the Commission from applying different requirements for access providers and TNCs.” Track 2 Decision at p. 77.</p>	
<p><b>4. Facilitation of WAV ownership</b> The Disability Advocates urged the CPUC to find that TNC’s were not barred from owning WAV vehicles. DA Track 2 Proposal at p. 24.</p>	<p>The Track 2 Decision provides that TNCs “may chooses to own vehicles to provide WAV service, or to contract with a third-party transportation provider to provide WAV services” if they obtain a TCP permit. Track 2 Decision at p. 52.</p>	<p>Noted, but see Section III.D.</p>

**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor's Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?<sup>2</sup></b>	No	No
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Yes
<b>c. If so, provide name of other parties:</b> Disability Rights Education and Defense Fund (DREDF), Center for Accessible Technology (CforAT), and San Francisco Municipal Transportation Agency (SFMTA).  In addition, the San Francisco Taxi Workers Alliance (SFTWA) and the Los Angeles County Metropolitan Transportation Authority sought similar outcomes on alternative grounds.		Verified
<b>d. Intervenor's claim of non-duplication:</b> As was the case with the Track 1 and earlier proceedings, DRC has worked regularly with other disability groups by preparing joint filings, sharing responsibilities, and conferring among the parties in order to work efficiently and to avoid duplication. As before, each filing was coordinated between the Disability Advocates (DREDF, DRC, and CforAT), with assignments for separate research and drafting responsibilities and collaborative review and finalization of documents. Through coordination of the different areas of expertise of each group, the Disability Advocates were able to address issues in this docket more effectively and efficiently than if each had tried to work alone.  Among the Disability Advocates, DRC and DREDF again took the lead in developing recommendations on substantive matters. This meant, for instance, that the Disability Advocates would brainstorm responses to the Commission's questions and then DRC and DREDF would dive more deeply into the substance of the responses according to the particular expertise of each.  Autumn Elliott, who is an effective writer due to her training and expertise as a lawyer, continued her role of putting the Disability Advocates' responses into words as the primary drafter of the group's submissions to the Commission.		Noted

<sup>2</sup> The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill 854, which the Governor approved on June 27, 2018.

	<b>Intervenor's Assertion</b>	<b>CPUC Discussion</b>
	<p>DRC (along with DREDF) continued to rely on CforAT to guide and advise it on procedural matters throughout this phase of the proceeding to ensure that the shared positions were properly introduced into the record.</p> <p>As appropriate, the Disability Advocates also conferred with SFMTA on various issues of agreement to complement each other's positions while avoiding duplication of effort.</p> <p>Overall, DRC worked effectively to avoid duplication and to ensure that our input served to complement or supplement the input of other parties that share similar interests to our own. To the extent that some overlap was unavoidable, DRC took all reasonable steps to minimize it, and our request for compensation should not be reduced on that basis.</p>	

**C. Additional Comments on Part II:**

<b>#</b>	<b>Intervenor's Comment</b>	<b>CPUC Discussion</b>
	<p><u>Partial Success:</u></p> <p>The statutory definition of “substantial contribution” in Section 1802 of the Pub. Util. Code states that a contribution results because the Commission “has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer.”</p> <p>The Commission has interpreted the “in whole or in part” provision, in conjunction with Section 1801.3, so as to effectuate the legislature’s intent to encourage effective and efficient intervenor participation. The Commission has established as a general proposition that when a party makes a substantial contribution in a multi-issue proceeding, it is entitled to compensation for time and expenses even if it does not prevail on some of the issues. See, for example, D.98-04-028 (awarding an intervenor full compensation in competition transition charge proceeding, even though the intervenor did not prevail on all issues); D.98-08-016, pp. 6, 12 (awarding an intervenor full compensation in Southern California Gas Company performance-based ratemaking proceeding); D.00-02-008, pp. 4-7, 10 (awarding an intervenor full compensation even though the intervenor unsuccessfully opposed settlement).</p>	Noted

### PART III: REASONABLENESS OF REQUESTED COMPENSATION

#### A. General Claim of Reasonableness (§ 1801 and § 1806):

	CPUC Discussion
<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>The TNC Access for All Act is an important mechanism to achieve a goal of providing equal access to transportation to Californians with disabilities. It is vital to improve transportation options across the state for people with disabilities, and as TNCs become more widespread and, for many, a primary means of transportation, it is essential to require TNCs to provide accessible services to people with disabilities, including people who use wheelchair.</p> <p>In working to support the effective implementation of the statute and ensure transportation access for people with disabilities through the creation of an impactful fund that reaches all parts of the state, DRC has provided significant consumer benefits. In light of the importance of the purpose of the Access for All Fund to DRC’s constituency, and the benefits of an effectively implemented program, the Commission should find that the costs of participation by DRC are reasonable.</p> <p>DRC cannot assign a dollar value to the benefits that will be obtained by our efforts for impacted customers as the issues under consideration are about expanding access to TNCs. However, the value of improved access to reliable transportation is considerable, especially to our constituency who face barriers to reliable transportation on a regular basis. Moreover, the majority of the parties commenting on this matter were transportation providers or government entities. DRC and the other Disability Advocates provided unique input to the Commission from the perspective of people with disabilities – i.e., those at the center of the TNC Access for All Act – themselves.</p>	Noted
<p><b>b. Reasonableness of hours claimed:</b></p> <p>As noted above with regard to duplication of effort among parties, DRC participated effectively while maintaining a reasonable commitment of resources by working in conjunction with the other disability advocates and coordinating with other parties, particularly SFMTA.</p> <p>There was no internal duplication of efforts, as Autumn Elliott was the only DRC staff member who worked on the Track 2 issues.</p>	Noted
<p><b>c. Allocation of hours by issue:</b></p>	Noted

	CPUC Discussion
<p>The vast majority of merits time spent included in this compensation request was focused on Track 2 issues in this proceeding, which were (1) Establishment of investment offset process; (2) Establishment of exemption process; (3) Establishment of Access Fund disbursement process; and (4) Facilitation of WAV ownership.</p> <p style="text-align: center;"><b>Elliott Time (95 hours total)</b></p> <p><b>General Participation – 1.2 hours (1%)</b></p> <p>The issue area designated “General Participation” includes work on matters relevant to the entire proceeding before the Commission, including informing members of the community regarding the status of proceedings regarding the TNC Access for All Act and providing feedback to CPUC staff regarding inclusivity in scheduling workshops.</p> <p><b>Track 2 – (99%)</b></p> <p>The issue area designated as “Track 2” includes work specifically concerning issues designated Track 2 issues. The filings submitted in this track of the proceeding covered both all issues and sub-issues designated as Track 2 issues, and work addressing these issues was done in such a way that the time spent on individual issues was not easily separable. Comments on these issues were written all at once, rather than in a piecemeal fashion.</p> <p>To the extent that it is helpful, we estimate that within “Track 2,” Ms. Elliott’s time was spent accordingly:</p> <ul style="list-style-type: none"> <li>• Establishment of investment offset process: 54%</li> <li>• Establishment of exemption process: 35%</li> <li>• Establishment of Access Fund disbursement process: 10%</li> <li>• Facilitation of WAV ownership: 1%</li> </ul>	

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Autumn Elliott	2019	88.1	\$440.00	See comments below	\$38,764	56.1 [1]	\$420.00 [2]	\$23,562.00

CLAIMED						CPUC AWARD		
Autumn Elliott	2020	6.9	\$455.00	See comments below	\$3,139.50	4.4 [3]	\$430.00 [4]	\$1,892.00
Subtotal: \$						Subtotal: \$25,454.00		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Autumn Elliott	2019	2.4	\$220.00	½ requested hourly rate; see comments below	\$528	2.4	\$210.00	\$504.00
Subtotal: \$						Subtotal: \$504.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Autumn Elliott	2019	.2	\$220.00	½ requested hourly rate; see comments below	\$44	0.2	\$210.00	\$42.00
Autumn Elliott	2020		\$225.00	½ requested hourly rate; see comments below	\$3,667.50	12.0 [5]	\$215.00	\$2,580.00
Subtotal: \$						Subtotal: \$2,622.00		
COSTS								
#	Item	Detail			Amount	Amount		
1.	Meals	Meals during trip to San Diego to attend 10/10/19 workshop on Track 2 issues			\$35	\$0.00 [6]		
2.	Parking	Parking fee for vehicle at Union Station in downtown Los Angeles on 10/10/19 during trip to San Diego to attend workshop on Track 2 issues			\$16	\$16.00		



CLAIMED				CPUC AWARD
2.	Train	Roundtrip train ticket between Los Angeles Union Station and San Diego Santa Fe Station on 10/10/19 to attend workshop on Track 2 issues	\$71.30	\$71.30
<b>Subtotal: \$122.30</b>				<b>Subtotal: \$87.30</b>
<b>TOTAL REQUEST: \$</b>				<b>TOTAL AWARD: \$28,667.30</b>
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>				
ATTORNEY INFORMATION				
Attorney	Date Admitted to CA BAR <sup>3</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation	
Autumn Elliott	January 2004	230043	No	

### C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Comment	<p>To date, the Commission has not set a rate for Autumn Elliott. DRC provided detailed justification for the requested rate of \$440 per hour for Ms. Elliott's 2019 work in the comments and attachments to DRC's Track 1 Intervenor Compensation request.</p> <p>Ms. Elliott's 2020 proposed rate reflects an anticipated COLA increase regarding the past rate information on CPUC's website.</p>

<sup>3</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Attachment or Comment #	Description/Comment
	DRC can provide more detail about Ms. Elliott's background, experience, and billing rate if that would be helpful to the Commission in evaluating this request to set an hourly rate.

#### D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Duplication of Efforts	DRC reported 64.1 hours for time spent working on the following filings: Disability Advocates' Track 2 Proposal, filed 9/30/2019 (25 pages); Disability Advocates' Comments on Track 2 Proposals and October 10, 2019 Workshop, filed 10/21/2019 (17 pages); Disability Advocates' Reply Comments on Track 2 Proposals and October 10, 2019 Workshops, filed 10/28/2019 (12 pages); and Disability Advocates' Response to Reply Comments of Lyft, filed 11/06/2019 (13 pages). All of these filings were signed, filed, and served by another intervenor, Center for Accessible Technology; and other Disability Advocates claimed substantial hours for working on these same filings. DRC did not indicate what specific contributions it made to the filings while simultaneously avoiding duplication efforts with the other Disability Advocates. Thus, a 32.0-hour deduction was applied.
[2] Basis for Rate	Per D.21-07-027, issued on 7/19/2021, the Commission established Ms. Elliott's 2019 rate at \$420.
[3] Duplication of Efforts	DRC reported 5 hours for time spent working on the following filings: Reply Comments on P.D. on Track 2 Issues filed 03/03/2020 (6 pages) & Disability Advocates' Motion to Strike Reply Comments of Lyft filed 03/05/2020 (2 pages). All of these filings were signed, filed, and served by another intervenor, Center for Accessible Technology; and other Disability Advocates claimed substantial hours for working on these same filings. DRC did not indicate what specific contributions it made to the filings while simultaneously avoiding duplication efforts with the other Disability Advocates. Thus, a 2.5-hour deduction was applied.
[4] Basis for Rate	Per D.21-07-027, issued on 7/19/2021, the Commission established Ms. Elliott's 2019 rate at \$420. With the 2.55% COLA increase for 2020, the rate for 2020 is \$430 (rounded).
[5]	DRC inadvertently failed to include the number of hours spent on claim preparation in 2020. But it appears that DRC is claiming 16.3 hours. As

Item	Reason
Excessive Claim Prep	indicated, DRC collaborated with two other intervenors. DRC's claim preparation time is excessive in comparison to the other Disability Advocates' claims. For example, one of the other Disability Advocates claimed approximately 11 hours for claim preparation. Moreover, many portions and sections in DRC's claim are cut-and-paste from similar portions and sections used by the other Disability Advocates. The fact that the Disability Advocates were collaborating and sharing drafts on their respective claims is further indication that DRC's claim preparation hours are excessive. Thus, a 4.3-hour deduction was applied.
[6] Meal Disallowance	The Commission does not compensate intervenors for meals. <i>See</i> Intervenor Compensation Guide at 23, D.10-03-020 and D.09-10-055.

#### PART IV: OPPOSITIONS AND COMMENTS

**Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))**

<b>A. Opposition: Did any party oppose the Claim?</b>	No
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b>	No

#### FINDINGS OF FACT

1. Disability Rights California has made a substantial contribution to D.20-03-007.
2. The requested hourly rates for Disability Rights California's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$28,667.30.

#### CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. Disability Rights California shall be awarded \$28,667.30.
2. Within 30 days of the effective date of this decision, the Public Utilities Commission Transportation Reimbursement Account shall pay Disability Rights California the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning August 1, 2020, the 75<sup>th</sup> day after the filing of Disability Rights California's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.

This decision is effective today.

Dated \_\_\_\_\_, at Sacramento, California.

**APPENDIX**

## Compensation Decision Summary Information

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D2003007		
<b>Proceeding(s):</b>	R1902012		
<b>Author:</b>	ALJ Chiv and ALJ Mason		
<b>Payer(s):</b>	Public Utilities Commission Transportation Reimbursement Account		

**Intervenor Information**

<b>Intervenor</b>	<b>Date Claim Filed</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/ Disallowance</b>
Disability Rights California	5/18/2020	\$46,265.30	\$28,667.30	No	<i>See CPUC Comments, Disallowances, and Adjustments section above.</i>

**Hourly Fee Information**

<b>First Name</b>	<b>Last Name</b>	<b>Attorney, Expert, or Advocate</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Autumn	Elliott	Attorney	\$440	2019	\$420
Autumn	Elliott	Attorney	\$455	2020	\$430

**(END OF APPENDIX)**